IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3260 OF 2005

Pandurang Mohan Barde ...Applicant
Vs.
The State of Maharshtra ...Respondent

Shri. Mahesh B. Pahane for the Applicant.
Shri. R.Y. Mirza A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 14, 2005.

P.C.:

1. Heard Counsel appearing for the parties.

Offence alleged against the Applicant is under section 302 of the Indian Penal Code. The victim is the wife. The case of the Applicant is that there is a delay in filing F.I.R. and the statement of the Applicant recorded by the Police clearly shows that the deceased expired due to injuries sustained in the accident. Considering the nature and extent of the injuries as reflected from the Post Mortem Notes, it is very difficult to believe at this stage that injuries are sustained by the deceased in accident of a two-wheeler. Even persuing the statement which is relied upon, it is apparent that it is not the case of the Applicant that the deceased was thrown away at the time of the accident. The deceased fell down from the motorcycle is the only case made out by the Applicant. There are atleast fourteen injuries all over the body including the injuries on the head of the deceased. Considering all these aspects, I find no reason to take a view different from the view taken by the

learned Sessions Judge. Hence, Application is rejected. Considering the fact that the Applicant is in custody for last more than one year, the learned Trial Judge will treat the case as High Court expediated case and dispose of the same as expeditiously as possible.

JUDGE